



Attorney Docket: 100337/54260US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon Elliot Adler, *et al.*

Serial No.: 10/628,464 Group Art Unit: 3765

Filed: July 29, 2003 Examiner: Unassigned

Title: IDENTIFICATION OF A NOVEL BITTER TASTE RECEPTOR,
T2R76

PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants Alexey Pronin, Huixian Tang and Mark Zoller hereby petition the Commissioner to accept the filing of the above-identified patent application on behalf of themselves and joint inventor Jon Elliot Adler, who refuses to join in the application. Dr. Adler's last known address is as follows:

1099 Turquoise Street
Apartment 15
San Diego, CA 92112

Representatives of Senomyx, Inc., the Applicant's employer at the time the invention was made and the Assignee of the above-identified patent application by an Assignment document that was filed for recordation on February 5, 2004, have attempted to obtain Dr. Adler's signature on the Declaration, but he has refused. Details of those attempts and evidence of Dr. Adler's refusal to join in the application are set forth in the attached Declaration of Robin Teskin, registered

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patent attorney for Senomyx, Inc., as well as the respective attachments to the Declaration. The entire contents of the Declaration and attachments are incorporated by reference into this Petition.

The fee under 37 C.F.R. § 1.17(h) or \$130.00 for filing this petition, is attached.

Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring L.L.P., Account Number 05-1323 (Docket #100337.54260US). A duplicate copy of this letter is attached

Respectfully submitted,

March 11, 2004


ROBIN L. TESKIN
Registration No. 35,030

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844



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STATEMENT ESTABLISHING COMPLIANCE
WITH MPEP 409.03 AND 37 CFR§ 1.47(a) (i)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I Robin L. Teskin, declare and state as follows:

1. That I am a registered patent attorney and represent Senomyx, Inc. in connection with all of its intellectual property matters.
2. That in that capacity, I prepared the above-identified patent application;
3. That I sent Dr. Adler's attorney, Marilyn Mika Spencer, a copy of the above-referenced application (specification and claims) along with an Assignment and Declaration for execution on February 5, 2004, via Federal Express as evidenced by the attached letter to Marilyn Mika Spencer. Also attached to the letter is the tracking results indicating receipt by Marilyn Mika Spencer.

4. That, in addition, I provided Senomyx with a copy of the application, who in turn sent a copy of the application to Dr. Adler's attorney on December 4, 2003, as evidenced by the attached letter from Sherry Dollins to Marilyn Mika Spencer. Also attached to the letter is the tracking results indicating receipt by the Law Offices of Marilyn Mika Spencer.

5. That I attest to Dr. Adler's continued refusal to sign the Oath relating to the above-identified application, as we still have not received this signed document in our offices.

6. That I attest to Dr. Adler's continued refusal to sign any Senomyx patent documents relating to U.S., PCT and foreign applications for which he is a named inventor, ever since Dr. Adler was terminated from Senomyx, Inc. in July of 2002.

7. That as of July 2002, we have not received any signed documents from Dr. Adler or his attorney relating to patent applications for which Dr. Adler is an inventor.

In support hereof, I attach a copy of the Decision According Status Under 37 CFR 1.47(a) which we received in a prior application for which Dr. Adler is an inventor.

I further declare that- all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

March 11, 2004


ROBIN L. TESKIN
Registration No. 35,030

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844



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UNITED STATES PATENT AND TRADEMARK OFFICE



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Paper No. 10

CROWELL & MORING, L.L.P.
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

COPY MAILED

AUG 15 2003

OFFICE OF PETITIONS

In re Application of
Mark Zoller, Xiaodong Li, Lena Staszewski,
Shawn O'Connell, Sergey Zozulya, Jon Adler,
Hong Xu and Fernando Echeverri
Application No. 10/179,373
Filed: June 26, 2002
Attorney Docket Number: P 0291566
Title of Invention: T1R
HETERO-OLIGOMERIC TASTE RECEPTORS
AND CELL LINES THAT EXPRESS SAID
RECEPTORS AND USE THEREOF FOR
IDENTIFICATION OF TASTE COMPOUNDS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

#54074 US

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 23, 2003.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Robin Teskin attest a copy of the application was sent to non-signing inventor's last known address and non-signing inventor's legal representative. Additional attempts to contact the non-signing inventors went unanswered. The non-signing inventor's failure to respond to the application sufficiently establishes that he refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Charlema R. Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Dr. Jon Elliot Adler
1099 Turquoise Street Apt. 15
San Diego, CA 92122

In re Application of
Mark Zoller, Xiaodong Li, Lena Staszewski,
Shawn O'Connell, Sergey Zozulya, Jon Adler,
Hong Xu and Fernando Echeverri
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AND CELL LINES THAT EXPRESS SAID
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IDENTIFICATION OF TASTE COMPOUNDS

COPY MAILED

AUG 15 2003

LETTER OFFICE OF PETITIONS

Dear Dr. Adler:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

Robin Teskin
CROWELL & MORING, L.L.P.
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

cc: Marilynn Mika Spenser



P.O. Box 14300, Washington, DC 20044-4300 • p202 624-2500 • f202 628-8844

Courier Address: 1001 Pennsylvania Avenue, NW, Washington, DC 20004-2595

February 5, 2004

Via Federal Express

Marilynn Mika Spencer, Esq.
2044 First Avenue, Suite 200
San Diego, California 92101

U.S. Utility Application – Assignee Senomyx, Inc.
Title: Identification of a Novel Bitter Taste Receptor T2R76
Our Ref.; 100337.54260US

Dear Ms. Spencer:

Enclosed is a copy of the above-identified application (claims and specification) as well as the Declaration and Assignment for execution. In accordance with the request that all contact with Dr. Adler be made through your office, we are sending the Declaration and Assignment in an attempt to obtain the signature of Dr. Adler. Please note that this is a second attempt since the documents were previously sent to you by Senomyx.

We would appreciate that you provide the documents to Dr. Adler and send us the executed Assignment and Declaration by February 20, 2004. If we do not receive the documents by that date, we intend to file a Petition indicating that Dr. Adler has refused to sign these documents.

Thank you for your continued cooperation.

Sincerely,


Robin Teskin

RLT/ch
Enclosure



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
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Telephone: 901-369-3600

3/8/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **494076166278**. Our records reflect the following information.

Delivery Information:

Signed For By: M.MOLINA



Delivery Location: 2044 FIRST AVE STE200

Delivery Date: February 6, 2004

Delivery Time: 1255

Shipping Information:

Tracking No: 494076166278

Ship Date: February 5, 2004

Recipient:

MARILYNN MIKA SPENCER, ESQ

2044 FIRST AVENUE
SAN DIEGO, CA 92101
US

Shipper:

CROWELL & MORING LLP

CROWELL & MORING LLP

1001 PENNSYLVANIA AVE NW
WASHINGTON, DC 200042595
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Shipment Reference Information:

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Via Airborne Express

Senomyx, Inc.

December 4, 2003

Marilyn Mika Spencer
Law Offices of Marilyn Mika Spencer
2044 First Avenue Suite 200
San Diego, CA 92101-2089

Re: Jon Elliot Adler

Dear Ms. Spencer:

Enclosed please find the following documents relating to U.S. Patent Application No. 10/628,464 entitled "Identification of a Novel Bitter Taste Receptor, T2R76" ("Application"):

- (1) Declaration and Power of Attorney;
- (2) Assignment; and
- (3) Copy of the Application as filed in the USPTO on July 29, 2003 (provided for review prior to executing the Declaration).

The enclosed documents require the signature of Dr. Jon Elliot Adler, as an inventor. We request that you forward all documents to Dr. Adler for his review. Once Dr. Adler has reviewed the documents, we request that he sign and date the Declaration and Power of Attorney, then sign and date the Assignment (and include a witnesses' signature).

Please return the fully executed Declaration and Power of Attorney and Assignment in the enclosed envelope as soon as possible.

Thank you for your assistance. If you have any questions regarding the enclosed, please feel free to contact me.

Sincerely,

Sherry Dollins
Senior Paralegal
Phone (858) 646-8317
Fax (858) 404-0750
sherry.dollins@senomyx.com

Enclosures



TRACKING RESULTS: DETAIL

Tracking Number: 19814439956

Shipment Summary:

Current Status: Delivered.
 Delivered on: 12/5/03 2:01 pm
 Delivered to: Receptionist
 Signed for by: D KARSH

Shipment History:

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
12/5/03	2:01 pm 11:43 am	Delivered. Arrived at Airborne Station.	San Diego, CA San Diego, CA
12/4/03	3:57 pm	Picked Up by Airborne.	Shipper's Door

Shipper:

SENOMYX
 La Jolla, CA 92037
 United States

Receiver:

LAW OFFICES OF MARILYN MI
 San Diego, CA 92101
 United States

Shipment Detail:

Service:	Second Day	Ship Type:	Letter Express
Special:		Description:	
Weight:	1	Shipper's Reference:	LEGAL
Pieces:	1		

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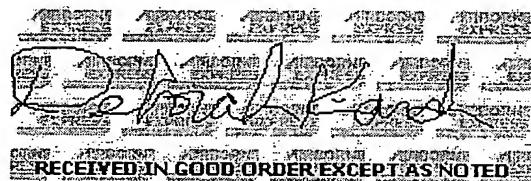
SIGNATURE PROOF OF DELIVERY: DETAIL

Tracking Number: 19814439956

Shipment Summary:

Delivered on: 12/5/03 2:01 pm
 Delivered to: Receptionist
 Signed for by: D KARSH
 Pieces: 1

Signature:



Receiver:

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